

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ARA-10 EA-07 EUR-12 NEA-10 ISO-00
CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00
INRE-00 PM-05 H-01 INR-07 L-03 NSC-05 PA-01
PRS-01 SP-02 SS-15 ACDA-07 /111 W
-----063157 100452Z /15

O R 100338Z AUG 77
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 4822
INFO AMEMBASSY BONN IMMEDIATE
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY GEORGETOWN IMMEDIATE
AMEMBASSY LAGOS
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY PRETORIA IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 USUN 2545

GEORGETOWN FOR AMBASSADOR YOUNG

DEPT PLEASE PASS TO SEC VANCE

E.O. 11652: GDS
TAGS: PORG, US, UN, SF, WA
SUBJECT: NAMIBIA: SECOND DAY OF WESTERN FIVE TALKS WITH SWAPO -
AFTERNOON SESSION

REF: USUN 2534

1. SUMMARY: FOURTH SESSION OF WESTERN
FIVE TALKS WITH SWAPO TOOK PLACE PM AUGUST 9. DISCUSSIONS
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CENTERED AROUND TWO ITEMS: 1) RELATIONSHIP BETWEEN
ADMINISTRATOR-GENERAL AND UN SPECIAL REPRESENTATIVE, AND
2) CONCEPT OF PANEL OF JURISTS TO DECIDE DISPUTES AS TO
WHO ARE POLITICAL PRISONERS. WITH REGARD TO FIRST ITEM,
SWAPO ACCEPTED PROPOSAL FOR A SPECIAL REPRESENTATIVE WHO
WOULD HAVE EFFECTIVE VETO POWER OVER ADMINISTRATOR-
GENERAL. SWAPO ALSO AGREED THAT, WHILE SPECIAL REPRES-

TATIVE'S VETO POWER COULD FOR POLITICAL REASONS BE DESCRIBED IN TERMINOLOGY LESS OFFENSIVE TO SOUTH AFRICAN GOVERNMENT, SUCH VETO POWER WOULD HAVE TO BE RECOGNIZED BY ALL PARTIES CONCERNED. SWAPO FURTHER STATED THAT, GIVEN SPECIAL REPRESENTATIVE'S VETO POWER, SWAPO WOULD WITHDRAW ITS OPPOSITION TO APPOINTMENT OF ADMINISTRATOR-GENERAL BY SOUTH AFRICANS. WITH REGARD TO PANEL OF JURISTS, SWAPO AGREED THAT MECHANISM IS NEEDED TO REVIEW CASES OF POLITICAL PRISONERS, BUT REJECTED CONCEPT OF INDEPENDENT PANEL OF JURISTS IN FAVOR OF PLACING THIS RESPONSIBILITY IN HANDS OF LEGAL SECTION OF SPECIAL REPRESENTATIVE'S STAFF. SECOND DAY OF TALKS BEGAN WITH SWAPO'S DISAVOWAL OF SEEMING AGREEMENTS OF FIRST DAY. (REFTEL) IT REMAINS TO BE SEEN WHETHER TOMORROW WILL BEGIN WITH DISAVOWAL OF SEEMING AGREEMENTS OF TODAY. END SUMMARY:

2. AFTERNOON SESSION OF SECOND DAY OF WESTERN FIVE TALKS WITH SWAPO TOOK PLACE AUGUST 9 FROM 1600 TO 1830. BECAUSE SWAPO HAD ASKED THAT FURTHER TALK ABOUT TROOP WITHDRAWALS BE DEFERRED UNTIL THE FIVE COULD PRESENT MORE SPECIFIC IDEAS ON SCOPE AND TIMING. DISCUSSIONS CENTERED AROUND TWO OTHER ITEMS: 1) RELATIONSHIP BETWEEN ADMINISTRATOR-GENERAL AND SPECIAL REPRESENTATIVE; AND 2) CONCEPT OF PANEL OF JURISTS.

3. WITH REGARD TO RELATIONSHIP BETWEEN ADMINISTRATOR-CONFIDENTIAL

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GENERAL AND SPECIAL REPRESENTATIVE, SWAPO EXPRESSED ITS NEED TO KNOW EXACT POWERS OF SPECIAL REPRESENTATIVE. SWAPO ASKED SPECIFICALLY WHAT THE FIVE MEANT BY THEIR STATEMENT THAT THE SPECIAL REPRESENTATIVE WOULD HAVE TO BE "SATISFIED" AS TO FAIRNESS OF POLITICAL PROCESS. THE FIVE RESPONDED THAT POWER OF THE SPECIAL REPRESENTATIVE, AS UNDERSTOOD BY THE FIVE AND BY SOUTH AFRICA, AMOUNTS TO AN EFFECTIVE VETO. HOWEVER, USE OF THE WORDS "VETO" OR "APPROVAL" IS FOR POLITICAL REASONS OFFENSIVE TO THE SOUTH AFRICAN GOVERNMENT; THEREFORE, THE FIVE HAVE DESCRIBED THE SPECIAL REPRESENTATIVE'S ROLE IN TERMS OF "SATISFACTION". THE CHANGE IN TERMINOLOGY DOES NOT RESULT IN CHANGE IN MEANING. SWAPO ACCEPTED CONCEPT OF A SPECIAL REPRESENTATIVE WHO WOULD HAVE EFFECTIVE VETO POWER OVER ADMINISTRATOR-GENERAL. SWAPO STRESSED THAT, WHILE THE SPECIAL REPRESENTATIVE'S VETO POWER COULD FOR POLITICAL REASONS BE DESCRIBED IN TERMINOLOGY LESS OFFENSIVE TO THE SOUTH AFRICAN GOVERNMENT, SUCH VETO POWER WOULD HAVE TO BE RECOGNIZED BY ALL PARTIES CONCERNED.

4. GIVEN SWAPO'S ACCEPTANCE OF SPECIAL REPRESENTATIVE WITH EFFECTIVE VETO POWER OVER ADMINISTRATOR-GENERAL,

AMBASSADOR MCHENRY QUESTIONED WHETHER SUCH POWER DID NOT
MAKE SWAPO'S STATED OPPOSITION TO A SOUTH AFRICAN
ADMINISTRATOR-GENERAL IRRELEVANT. SWAPO AGREED THAT,
GIVEN VETO POWER, THEY WOULD WITHDRAW THEIR OPPOSITION
TO APPOINTMENT OF ADMINISTRATOR-GENERAL BY SOUTH
AFRICANS.

5. WITH REGARD TO CONCEPT OF PANEL OF JURISTS, SWAPO
ACDEPTED THAT A MECHANISM WOULD BE NEEDED TO ESTABLISH
STATUS OF PRISONERS AS POLITICAL OR CRIMINAL; HOWEVER,
SWAPO COULD NOT ACCPET PANEL, AS SUCH. SWAPO SUGGESTED
THAT LEGAL SECTION OF THE SPECIAL REPRESENTATIVE'S STAFF
BE GIVEN RESPONSIBILITY OF DECIDING THESE CASES.
SWAPO'S OPPOSITION TO PANEL IS BASED ON PRESENCE OF
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SOUTH AFRICANS ON PANEL AND ON PAST UNFORTUNATE EXPERIENCE
WITH ANOTHER INDEPENDENT INTERNATIONAL PANEL, THE
INTERNATIONAL COURT OF JUSTICE (WHICH IN 1966 DECLINED

NOTE BY OC/T: NOT PASSED SEC VANCE.

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ACTION IO-14

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CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00
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C O N F I D E N T I A L SECTION 2 OF 2 USUN 2545

GEORGETOWN FOR AMBASSADOR YOUNG

DEPT PLEASE PASS TO SEC VANCE

TO RULE ON MERITS OF CHARGES BROUGHT AGAINST SOUTH AFRICA
FOR ITS CONTINUED OCCUPATION OF SOUTH WEST AFRICA). AFTER
STATED THEIR ARGUMENTS IN SUPPORT OF PANEL, FIVE AGREED
TO CONSIDER PROPOSAL OF SWAPO.

6. COMMENT: DISCUSSIONS ON PARTICULAR POINTS HAVE BEEN
EXTENSIVE AND AT TIMES DIFFICULT, BUT WE BELIEVE THEY
HAVE BEEN USEFUL IN CLARIFYING FOR SWAPO THE BASIC APPROACH
OF WESTERN FIVE, AS WELL AS PROPOSALS THAT HAVE EMERGED
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FROM OUR TALKS WITH SOUTH AFRICAN. IT IS TOO EARLY TO
KNOW SWAPO'S FINAL ATTITUDE TOWARD ANY INDIVIDUAL ITEMS
OR TO PACKAGE AS A WHOLE. MORNING SESSION TODAY (REFTEL) BEGAN WITH
SWAPO'S DISAVOWAL OF SEEMING AGREEMENTS OF YESTERDAY.
IT REMAINS TO BE SEEN WHETHER TOMORROW WILL BEGIN WITH
DISAVOWAL OF SEEMING AGREEMENTS OF TODAY. END COMMENT.

LEONARD

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Message Attributes

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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
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TAGS: PORG, US, SF, WA, UN, SWAPO
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